

REMARKS

In the **final** Office Action mailed September 15, 2009, the Office noted that claims 8-13 were pending and rejected claims 8, 9 and 11-13. Claims 8, 10, 12 and 13 have been amended, claim 11 has been canceled, and, thus, in view of the foregoing, claims 8-10, 12 and 13 remain pending for reconsideration which is requested. No new matter has been added. The Office's rejections are traversed below.

ALLOWABLE SUBJECT MATTER

The Office has indicated that claim 10 would be in a condition for allowance if re-written in independent form. The Applicants have amended independent claims 18, 12 and 13 to include the portion of claim 10 that the Office has acknowledged as allowable.

REJECTIONS under 35 U.S.C. § 103

Claims 8, 9 and 11-13 stand rejected under 35 U.S.C. § 103(a) as being obvious over Maruyama, U.S. Patent No. 6,421,314 in view of Asada, U.S. Patent No. 7,038,989. The Applicants respectfully disagree and traverse the rejection with an argument and amendment.

The Applicants have amended claim 8 to recite in part "a driving signal generating unit which generates a laser driving signal having **a write power level corresponding to performing**

recording an information onto the recording medium, an erase power level corresponding to performing erasing a recording mark recorded onto the recording medium, or, a read power level corresponding to neither recording nor erasing on the recording medium; a high frequency superimposing unit which superimposes a high frequency signal on the laser driving signal; and a control unit which drives the light source by the laser driving signal on which the high frequency signal is superimposed to perform recording and reproduction, wherein a level of the high frequency signal at a time of recording is different from the level of the high frequency signal at a time of reproduction, wherein the control unit detects a recording information based on an inputted information, wherein the high frequency superimposing unit changes the level of the high frequency signal at the timing of a first predefined time period after detecting the recording information, wherein the control unit transits from a reproduction state to a recording state by changing the power level from the read power level to the erase power level at the timing of a second predefined time period after detecting the recording information, and records the recording information onto the recording medium by changing the power level from the erase power level to the write power level, wherein the second predefined time period is longer than the first predefined time period, wherein difference between the second predefined time period and the first predefined time period is equal to or longer

than a transient response period of a waveform of the laser light, and wherein the level of the high frequency signal at the time of the recording is equal to or smaller than $4mWpp$ when the recording medium is a DVD±RW." (Emphasis added) Claims 12 and 13 have likewise been amended.

Support for the amendment may be found, for example, in amended claim 10. However, the Applicants note that the claims have been amended to limit this portion of the claim to "DVD±RW." (See ¶ 0056 of the printed publication version of the Specification for support) Further support for the amendment may be found, for example, in ¶¶ 0041, 0042, 0061-0069 of the printed publication version of the printed publication version of the Specification.

It is submitted that the prior art of record fails to disclose the features of the claims as amended.

Claims 12 and 13 recite similar features to claim 8. For at least the reasons discussed above, Maruyama and Asada, taken separately or in combination, fail to disclose the features of claims 8, 12 and 13 and the claims dependent therefrom.

Withdrawal of the rejections is respectfully requested.

SUMMARY

It is submitted that the claims satisfy the requirements of 35 U.S.C. § 103. It is also submitted that claims 8-10 and 12-13 continue to be allowable. It is further

submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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